

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MICHAEL SARGENT,)	
individually and on behalf of all)	Case No. 1:08-CV-01464 TAB-JMS
of those similarly situated,)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	Jury Demanded
)	
ST. VINCENT HOSPITAL AND)	
HEALTH CARE CENTER, INC.,)	
Defendant.)	

ORDER APPROVING CLASS ACTION SETTLEMENT

The parties jointly requested that this Court approve a proposed class-action settlement between the plaintiff class and St. Vincent Hospital and Health Care Center, Inc. The Court preliminarily approved this settlement on February 28, 2011 (Docket No. 96), and set a hearing on the settlement pursuant to Federal Rule of Civil Procedure 23(e)(1)(C). Notice was provided to all class members, and the Court has received the report and affidavit confirming notice to all class members. On April 25, 2011, the Court conducted a hearing, and counsel for the class was presented by Robert E. Stochel and Glenn S. Vician, and the defendant by counsel, David B. Honig. The Court heard arguments from counsel, and was available to hear arguments from anyone objecting to the settlement.

1. The purpose of hearing pursuant to FRCP 23(e)(1)(C) is to determine whether the proposed settlement is fair, reasonable and adequate. The Court looks to a number of factors to make this determination, including (i) the class' likelihood of success; (ii) the amount of the proposed settlement as a portion of the total possible recovery; (iii) the adequacy of the

representation by class counsel; (iv) the amount of attorney's fees requested in the proposed settlement; (v) any objections to the settlement; and (vi) any other relevant evidence.

2. The Court finds that the class is not assured of success in this case. Litigation is inherently risky, and it is in the parties best interest to settle and resolve this litigation.

3. The FDCPA provides that the maximum recovery for a class is the lesser of \$500,000 or one percent of the defendant's net worth. 15 U.S.C. § 1692k(a)(2)(B). The Court finds that the proposed settlement represents a small percentage of the maximum recovery for the class under the FDCPA, but the settlement is reasonable based upon the class size of ninety-eight (98) persons.

4. The Court finds the payment of \$2,000 to Michael Sargent, as class representative, fair adequate and reasonable. Mr. Sargent was actively involved in this case, and was required to assist counsel with discovery.

5. The Court finds that there are no objections to the proposed settlement. The class includes ninety-eight (98) members.

6. The Court finds the attorney's fees requested by class counsel to be fair, adequate and reasonable.

7. The Court finds that the proposed settlement agreement was reached through arms' length negotiations.

8. The proposed settlement agreement between Michael Sargent, as representative of the class, and St. Vincent Hospital and Health Care Center, Inc., is hereby approved.

9. The Court finds that after notice, no class members have elected to opt-out of the settlement.

10. The class in this action is defined as:

All natural persons sued in the name of the Out Source Group, Inc., on a consumer debt owned by St. Vincent Health, Inc., or any other St. Vincent entity, including any health care facility in which St. Vincent Health, Inc., owns an interest, whose suit was filed within (1) year prior to October 27, 2008, and where no judgment has been rendered.

11. The Court finds that twenty-one (21) class members (out of 98) returned claim forms. Of this total, twenty (20) of these were returned signed and post-marked by the deadline of April 11, 2011. One (1) claim form was received one day late. The Court hereby accepts all twenty-one (21) claims, and approves distribution of the settlement upon the terms of the settlement agreement (Docket No. 95) to all twenty-one (21) persons returning claim forms.

All of which is ordered: 04/29/2011

7-13L

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Distribution to:
Robert E. Stochel
Glenn S. Vician
David B. Honig